

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY APRIL 15, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1400

Introduced by Committee on Jobs, Economic Development, and the Economy (Medina (Chair), Daly, Fong, Fox, Hueso, and V. Manuel Pérez)

March 11, 2013

An act to amend Sections 110190 and 110200 of the Health and Safety Code, relating to export documents.

LEGISLATIVE COUNSEL'S DIGEST

AB 1400, as amended, Committee on Jobs, Economic Development, and the Economy. Export documents: expiration.

The Sherman Food, Drug, and Cosmetic Law authorizes a person who ships to another state or country a food, drug, device, or cosmetic manufactured or produced in this state to request that the State Department of Public Health issue an export document to reference the shipment. Existing law requires that a person requesting an export document submit certain information and documents to the department, including original labels and advertising affixed to, accompanying, or relating to the food, drug, device, or cosmetic, and authorizes the department to accept copies if the submission of the original labels or advertising is impractical. *Existing law also requires a person requesting an export document to submit specified fees to the department.* Under existing law, an export document expires 180 days after its issue date.

This bill would authorize a person requesting an export document to make the request in *certain* electronic ~~format~~ *formats*, and would require

the department to accept requests submitted by ~~email~~ *e-mail* or other electronic methods, including electronic copies of labels or advertising. *The bill would require that the fees for requests made by e-mail, facsimile, or the department's Internet Web site be submitted within specified time periods.* The bill would require the department to develop procedures to expedite approval of requests for an export document in which the labels and advertising remain unchanged from a previously approved request for an export document for that food, drug, device, or cosmetic. The bill would further require that an export document expire one year after its issue date.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 110190 of the Health and Safety Code
2 is amended to read:
3 110190. (a) Any person who ships to another state or country
4 a food, drug, device, or cosmetic manufactured or produced in this
5 state may request the department to issue an export document to
6 reference the shipment of the food, drug, device, or cosmetic. The
7 food, drug, device, or cosmetic shall be manufactured or produced
8 in this state by a person who has a valid registration, license,
9 certificate, or permit issued by the department under this part or
10 the Miscellaneous Food, Food Facility, and Hazardous Substances
11 Act (Section 27). For each request, the requesting person shall
12 submit to the department, in hardcopy or ~~the electronic format~~
13 *formats described in subdivision (c)*, all of the following:
14 (1) All labels, labeling, and advertising affixed to,
15 accompanying, or relating to the food, drug, device, or cosmetic.
16 The department shall accept electronic or paper copies of labels,
17 labeling, or advertising.
18 (2) If not clearly evident from the materials submitted pursuant
19 to paragraph (1), the requester shall submit both of the following:
20 (A) The name, place of business, and the type and number of
21 the registration, license, certificate, or permit issued by the
22 department to the manufacturer or producer of the food, drug,
23 device, or cosmetic.
24 (B) The identity of the food, drug, device, or cosmetic being
25 shipped.

1 (3) The name of the state or country to which the food, drug,
2 device, or cosmetic is being shipped.

3 (4) The approximate date of shipment of the food, drug, device,
4 or cosmetic.

5 (5) Additional statements the requesting person wishes to have
6 incorporated into the export document.

7 (6) The name and telephone number of the requesting person
8 to whom the department may refer questions or requests for
9 additional information.

10 ~~(7)~~

11 *(b) The person making the request shall also submit the one-time*
12 *fee required by paragraph (1) of subdivision (a) of Section 110210,*
13 *if the fee has not yet been paid, and the minimum charge required*
14 *by paragraph (2) of subdivision (a) of Section 110210.*

15 ~~(b)~~

16 *(c) The department shall accept requests for an export document*
17 *submitted by ~~email~~ e-mail or other electronic methods.*

18 *(1) For requests submitted by e-mail or facsimile on or after*
19 *January 1, 2014, payment of the fees described in subdivision (b)*
20 *shall be provided to, and received by, the department within five*
21 *business days after submittal of the request. The department shall*
22 *suspend processing of a request if payment is not received within*
23 *five business days, and shall resume processing once it receives*
24 *the payment.*

25 *(2) For requests submitted using an electronic document request*
26 *submittal process developed by the department and available on*
27 *the department's Internet Web site, payment shall be submitted at*
28 *the time of the request.*

29 ~~(e)~~

30 *(d) The department shall develop procedures to expedite*
31 *approval of requests for an export document in which the labels,*
32 *labeling, and advertising affixed to, accompanying, or relating to*
33 *the food, drug, device, or cosmetic remain unchanged from a*
34 *previously approved request for an export document for that food,*
35 *drug, device, or cosmetic.*

36 SEC. 2. Section 110200 of the Health and Safety Code is
37 amended to read:

38 110200. (a) Each export document issued by the department
39 shall do all of the following:

40 (1) Identify either or both of the following:

- 1 (A) The name and place of business of the manufacturer or
2 producer of the food, drug, device, or cosmetic.
- 3 (B) The name and place of business of the distributor of the
4 food, drug, device, or cosmetic.
- 5 (2) Identify the food, drug, device, or cosmetic being shipped.
- 6 (3) Identify the state or country to which the food, drug, device,
7 or cosmetic is being shipped.
- 8 (4) Identify the approximate date of shipment.
- 9 (5) Describe the department's authority over the food, drug,
10 device, or cosmetic to be shipped and its manufacturer or producer.
- 11 (6) State that the department does not object to the sale of the
12 food, drug, device, or cosmetic in this state or the shipment of the
13 food, drug, device, or cosmetic to any other state or country.
- 14 (b) Each export document issued by the department may, in the
15 department's sole discretion, include additional statements
16 requested by the person who requested the export document.
- 17 (c) Each export document issued by the department shall be
18 issued by the Chief of the Food and Drug Branch of the department,
19 or his or her designee. The chief or his or her designee may issue
20 an export document prepared by the department or by the
21 requesting person.
- 22 (d) The export document shall expire one year after its issue
23 date.